

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 14, 1999

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Aldrich, J., Schneider, J. (Assigned), and M. Gavinski, Deputy Clerk.

Each of the following:

B123439 People v. Garcia
B125828 People v. Gray & Wallace
B118891 People v. Trevino
B127319 People v. Tennant
B126315 People v. Fomby
B122076 People v. Wilson
B126828 People v. Sanchez
B129396 Children & Family Services v. Kimberly L.
B122311 People v. Soto
B122916 People v. Soto
B120713 People v. Luna
B124462 People v. Daniels

Argument waived, cause submitted.

B127911 Kellway Pollock
 v.
 David Morris

Merits:

Argued by David Morris for appellant and by Lawrence J. Kalfayan for respondent. Cause submitted.

DIVISION THREE (Continued)

B117927 The People
 v.
 Dunn & Mota

Merits:

Argued by Robert F. Katz, deputy attorney general, for respondent and by Julie S. Hernandez for appellant. Cause submitted.

B124335 The People
 v.
 Johnson & Burr

Merits:

Argued by Richard A. Levy for appellant Burrand and by Michael C. Keller, deputy attorney general, for respondent. Counsel for appellant Johnson waived. Cause submitted.

B132402 Martha N.
 v.
 S.C.L.A.
 (Children & Family Services, r.p.i.)

Merits:

Argued by Robert A. Devine for appellant and by Pamela Soncini, deputy county counsel, for real party in interest. Cause submitted.

B124628 The People
 v.
 Larry Dominguez

Merits:

Argued by Steven A. Torres for appellant and by John Yang, deputy attorney general, for respondent. Cause submitted.

DIVISION THREE (Continued)

B126411 Martha A. Fenton
v.
Shirley Carrell
(Estate of Lorraine Justesen, r.p.i.)

Merits:

Argued by Tobi J. Chinski for respondents and by Frederick J. Seymour for appellant. Cause submitted.

B122006 The People
v.
Kenneth Davis

Merits:

Argued by Gregory L. Cannon for appellant and by Peggie J. Bradford, deputy attorney general, for respondent. Submission deferred 10 days for submission of letter brief by appellant's counsel.

B115720 Soma Arratchiga
v.
Lisa Sweeney

Merits:

Argued by Cyril Czajkoioskyj for respondent and by Jance M. Weberman for appellant. Cause submitted.

B124763 Bastion Capital Fund
v.
CIBC Wood Gundy Securities Corp.

Merits:

Argued by Peter K. Rosen for respondent and by Kenneth A. Ostrow for appellant. Cause submitted.

The Court recessed.

DIVISION THREE (Continued)

The Court reconvened at 2:00 P.M.

Present: Klein, P.J., Croskey, J., Aldrich, J., Schneider, J. (Assigned), and M. Gavinski, Deputy Clerk.

B125017 Patricia M. Joseph
v.
Cooperative of American Physicians, Inc.

Merits:

Argued by Philip Ewen for respondent and by argument waived for appellant. Cause submitted.

B128619 City National Bank
v.
Center Equities Group
(Gary Packman, r.p.i.)

Merits:

Argued by Carol F. Anderson for appellant and by Mark I. Rosenberg for respondent. Cause submitted.

B120853 Hirobumi Komuro
v.
Sam Wang

Merits:

Argued by Leonard Steiner for appellant and by no appearance for respondent. Cause submitted.

B126235 The People
v.
Charles F.

Merits:

Argued by Edward J. Haggerty for appellant and by Analee J. Nations, deputy attorney general, for respondent. Cause submitted.

DIVISION THREE (Continued)

B124213 The People
 v.
 Thomas Linarte

Merits:

Argued by Christine Shaver for appellant and by Analee J. Nations, deputy attorney general, for respondent. Cause submitted.

B121210 James S. Hamada
v.
Charter Oak Fire Insurance Company

Merits:

Argued by Stuart B. Esner for appellant and by William C. Morison-Knox for respondent. Cause submitted.

B126503 John G. Parker
v.
Pomona Firefighters' Association
(City of Pomona, r.p.i.)

Merits:

Argued by Melanie E. Lomax for respondent and by Christopher E. Platten for appellant. Cause submitted.

Court adjourned at 4:30 P.M.

DIVISION FIVE

B129792 Dan Fleischman (Not for Publication)
v.
Stuart D. Zimring

The judgment is affirmed. Stuart Zimring shall recover his costs on appeal from Dan Fleischman.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

DIVISION SIX

B123661 Robin (Not for Publication)
v.
Robin

We direct the clerk of the trial court to delete the language in the judgment that reads, "2. As and for an equalizing payment of the division of community property, Petitioner is awarded the sum of \$10,562.47 as one-half (1/2) of the Bank of America account number 23611-04618" and replace it with: "2. As and for an equalizing payment of the division of community property, Petitioner is awarded the sum of \$10,562.47 as one-half (1/2) of the Los Angeles Federal Credit Union account." As so modified, the judgment is affirmed. Costs are awarded to wife.

Coffee, J.

We concur: Gilbert, Acting P.J.
Yegan, J.

B128931 Hewes et al. (Not for Publication)
v.
W.V. Clark Enterprises Inc.

The judgment is affirmed. Clark Enterprises is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

B122693 Graham (Not for Publication)
v.
Regents of the University of Calif.

The judgment is affirmed. Costs to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
Matz, J. (Assigned)

September 14, 1999-Continued

DIVISION SIX (Continued)

[illegible]

The judgment (order) is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B124624 Ronca (Not for Publication)
v.
Picker Corporation et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Matz, J. (Assigned)

B128386 People v. Tubb (Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SIX (Continued)

B126437 County of San Luis Obispo (Not for Publication)
v.
Greenway Environmental Services, Inc.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B129098 San Luis Obispo County (Not for Publication)
Department of Social Services
v.
Robert B.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
Matz, J. (Assigned)

B127057 People (Not for Publication)
v.
Ormsby

The judgment is reversed. The admission that appellant had previously suffered a strike is vacated.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

September 14, 1999-Continued

DIVISION SIX (Continued)

B123677 People (Not for Publication)
v.
McClendon

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B128466 People (Not for Publication)
v.
Nonella

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B130471 People (Not for Publication)
v.
Spry

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B128967 People
 v.
 Coleman

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

B128094 People (Not for Publication)
v.
Richard B.
In re Richard B.

The order of the juvenile court is modified to substitute in place of the 150 hours of community service as a condition of probation, that the minor "perform 90 hours of community service under the supervision of the probation officer in graffiti removal." As modified, the order is affirmed.

Lillie, P.J.

I concur: Woods, J.
I concur: Johnson, J. (Opinion)

B122322 People (Not for Publication)
v.
French

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

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The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

September 14, 1999-Continued

DIVISION SEVEN (Continued)

B125429 People (Not for Publication)

V.

Anthony R.

In re Anthony R.

The judgment is affirmed.

Woods, J.

I concur: Lillie, P.J.

I concur: Johnson, J. (Opinion)

B127561 Mobasser (Not for Publication)

V.

Botach et al.

The judgment is reversed. Appellant to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.

Neal, J.

B124657 People (Not for Publication)

V.

Patterson

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

September 14, 1999-Continued

DIVISION SEVEN (Continued)

B126878 People v. Scott (Not for Publication)

The Court:

The appeal is dismissed.

Lillie, P.J., Johnson, J., Woods, J.

B127081 Central Mutual Ins. Company (Not for Publication)
v.
Jefferson Insurance Company of New York

The judgments and orders granting respondent's motion for summary judgment and the order denying appellant's motion for summary judgment are reversed and the matter is remanded for further proceedings consistent with this opinion. Appellant shall recover its costs on appeal.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B126612 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Bonita H. and Theodas T.
In re Diego M. et al.

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

September 14, 1999-Continued

DIVISION SEVEN (Continued)

B128251 Skaggs (Not for Publication)
v.
Northrop Grumman Corporation

The judgment is affirmed. Respondent to recover costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.